

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 21-1078V

UNPUBLISHED

ETHEL M. BRITT, as Personal  
Representative of the Estate of JAMES  
E. BRITT,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 3, 2023

Special Processing Unit (SPU);  
Damages Decision Based on Proffer;  
Influenza (Flu) Vaccine; Guillain-  
Barre Syndrome (GBS)

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for  
Petitioner.*

*Mark Kim Hellie, U.S. Department of Justice, Washington, DC, for Respondent.*

### **DECISION AWARDING DAMAGES<sup>1</sup>**

On March 18, 2021, Ethel M. Britt, as personal representative of the estate of James E. Britt, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that Mr. Britt suffered from Guillain-Barre Syndrome (“GBS”) as a result of an influenza vaccination he received on September 19, 2019. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 18, 2022, a ruling on entitlement was issued, finding Petitioner entitled to compensation. On February 3, 2023, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$465,575.18,

<sup>1</sup> Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

representing \$212,500.00 for pain and suffering, \$250,000.00 for the death benefit, and \$3,075.18 for unreimbursed medical expenses. Proffer at 2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$465,575.18, representing \$212,500.00 for pain and suffering, \$250,000.00 for the death benefit, and \$3,075.18 for unreimbursed medical expenses in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of Court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

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ETHEL M. BRITT, as Personal  
Representative of the Estate of  
JAMES E. BRITT,

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

Case No. 21-1078V (ECF)  
CHIEF SPECIAL MASTER  
CORCORAN

**RESPONDENT’S PROFFER ON AWARD OF COMPENSATION**

**I. Procedural History**

On March 18, 2021, Ethel M. Britt (“petitioner”), as personal representative of the estate of James E. Britt, filed a petition for compensation (“Pet.”) under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (“Vaccine Act” or “Act”), as amended. Petitioner alleges that James E. Britt suffered from Guillain-Barré syndrome and subsequently died as a result of an influenza (“flu”) vaccine administered on September 19, 2019. Pet. at 1.

On October 17, 2022, respondent filed his Rule 4(c) Report, conceding entitlement in this case. ECF Doc. No. 23 at 1. On October 18, 2022, the Court issued its Ruling on Entitlement, finding that petitioner was entitled to compensation. ECF Doc. No. 24 at 2.

## **II. Items of Compensation and Form of the Award**

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$465,575.18. The award is comprised of the following: \$212,500.00 for pain and suffering; \$250,000.00 for the death benefit, and \$3,075.18 for unreimbursed medical expenses. This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a) regarding James E. Britt's September 19, 2019, flu vaccination. Petitioner agrees.

## **III. Form of the Award**

The parties recommend that compensation provided to petitioner should be made through a lump sum payment of \$465,575.18, in the form of a check payable to petitioner. Petitioner agrees.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

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*s/ Mark K. Hellie*

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